

COMMISSION ON TEACHER CREDENTIALING

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April 22, 1985

84-8519

TO: All Individuals and Groups Interested in the Activities of
the Commission on Teacher Credentialing

FROM: John F. Brown, Executive Secretary

SUBJECT: Proposed Title 5 Regulations That Specify The Requirements For
Teaching Adapted Physical Education and That Specify The
Requirements For and Authorization Of The Adapted Physical
Education Specialist Credential

In accordance with Commission Policy and Administrative Regulations, the
above cited Title 5 Regulations are distributed prior to public hearing.
The public hearing to adopt these regulations is scheduled as follows:

June 6, 1985
2:30 p.m.
Clarion Hotel
16th and H Streets
Sacramento, California

GENERAL PURPOSE OF THE PROPOSED REGULATIONS

The State Board of Education adopted the following Title 5 Regulation in
1978 related to the teaching of Adapted Physical Education:

3632 (c) Teachers initially employed after September 1, 1980,
instructing remedial-adaptive physical education shall
have a credential authorizing the teaching of physical
education and specialized training in remedial-adaptive
physical education as established by the Commission for
Teacher Preparation and Licensing.

The Commission approved Adapted Physical Education Programs in 21 colleges/
universities and granted many Adapted Physical Education Emphasis creden-
tials on the basis of Regulation Section 3632. However, this section was
repealed in March 1982 when regulations implementing the Special Education
Master Plan of 1980 (SB 1970, Rodda) became effective. Therefore Section
3632(c) has not been in effect since March 23, 1982.

There have been a number of reported cases of the misassignment of personnel
to teach Adaptive Physical Education, i.e., individuals initially assigned
after September 1, 1980, to teach adapted physical education who did not
hold the adapted physical education credential. In most all cases the em-
ploying agency corrected the misassignment. However, in several districts
the administration has taken the position that, without regulations, there
can be no enforcement.

It is most important that we have regulations in effect that specify the requirements for teaching adapted physical education and the requirements for and authorization of the adapted physical education credential.

SPECIFIC PURPOSES OF THE PROPOSED REGULATIONS

Subsection 80046(a) specifies that any individual initially assigned to teach adapted physical education (after the effective date of the proposed regulations) will be required to hold an appropriate credential that authorizes the holder to teach adapted physical education;

Subsection 80046(b) will require individuals who have previously been assigned to teach adapted physical education, but who do not hold an adapted physical education credential, to enroll in a program for the credential as a condition for continued assignment to teach adapted physical education;

Subsection 80046(c) will require all individuals assigned to teach adapted physical education on and after July 1, 1988, to hold an adapted physical education credential;

Subsection 80046.1 (a) clarifies the requirements for the Special Education Specialist Instruction credential authorizing the teaching of Adapted Physical Education. These requirements, while not previously in Title 5 Regulations, have been the understood requirements since 1980. The name of the Adapted Physical Education Credential is new and is based on discussions with the Office of Administrative Law regarding the Commission's statutory authorization to issue an Adapted Physical Education Credential;

Subsection 80046.1 (b) clarifies the period of validity of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential that is consistent with the period of validity of other dependent credentials (i.e., a credential that is based on a prerequisite credential);

Subsection 80046.1 (c) clarifies the authorization of the Adapted Physical Education Credential consistent with past practice and legal/fiscal definitions utilized by the State Department of Education.

INITIAL STATEMENT OF REASONS AND FACTUAL BASIS FOR THE PROPOSED REGULATIONS TO GOVERN THE REQUIREMENTS FOR TEACHING ADAPTED PHYSICAL EDUCATION AND THE REQUIREMENTS FOR THE ADAPTED PHYSICAL EDUCATION SPECIALIST CREDENTIAL

Section 80046(a)

Purpose: To specify that individuals initially assigned to teach adapted physical education must hold the newly named credential (The Adapted Physical Education Specialist) or the previously issued credential (The Adapted Physical Education Emphasis).

Necessity: To clarify the title and authorization of the newly named credential as the Adapted Physical Education Specialist Credential; while, at the same time clarifying that holders of the Adapted Physical Education Emphasis Credential, issued under prior regulations, will continue to have authorization to teach adapted physical education.

Factual Basis: The Commission has been issuing the Adapted Physical Education Emphasis Credential since 1980 on the basis of Title 5 Regulations adopted by the State Board of Education (Section 3632(c), Subchapter 5.3) which reads as follows:

(c) Teachers initially employed after September 1, 1980, instructing remedial-adaptive physical education shall have a credential authorizing the teaching of physical education and specialized training in remedial-adaptive physical education as established by the Commission for Teacher Preparation and Licensing. -

The Commission has approved adapted physical education programs in 21 colleges/universities and granted Adapted Physical Education credentials on the basis of this regulation [3632(c)]. However, this section was superceded by regulations implementing the Special Education Master Plan of 1980 (SB 1870, Rodda) and therefore Section 3632(c) has not been in effect since March 23, 1982.

There have been a number of reported cases of the misassignment of personnel to teach Adaptive Physical Education, i.e., individuals initially assigned after September 1, 1980, to teach adapted physical education who did not hold the Adapted Physical Education credential. In some cases the employing agency corrected the misassignment. However, in several districts the administration has taken the position that, without regulations, there can be no enforcement.

Existing law, Education Code Section 56363 of the California Master Plan for Special Education, mandates the availability of designated instruction and services (DIS) as specified in the individualized education program (IEP), when such instruction and services are necessary for the pupil to benefit educationally from his or her educational program. One of the DIS is adapted physical education, which must be available and must be taught by the appropriate specialist, under specified conditions.

Education Code Subsections 56100(a) and (f) require the State Board of Education to adopt rules and regulations necessary to implement the California Master Plan for Special Education and to recommend to the Commission on Teacher Credentialing the adoption of standards for the certification of professional personnel for special education conducted pursuant to the master plan. The State Board of Education adopted regulations, effective March 5, 1982, which include such recommendations (California Administrative Code sections 3000 - 3081).

Section 3051.5 of the regulations specify that the individual providing adapted physical education D.I.S. shall be qualified; Section 3001(s) defines qualified as a person who has met federal and state certification requirements; and Section 3001(f) defines a credential as meaning a valid credential in special education . . . issued by the Commission on Teacher Credentialing

The Commission on Teacher Credentialing has general authority, under Education Code section 44225(b) to promulgate appropriate rules and regulations, and specific authority, under Education Code section 44265 to issue a specialist credential. The Adapted Physical Education Specialist Credential, specified in these proposed regulations, will meet the requirements of Education Code Sections 56363 and 56111 of the California Master Plan for Special Education and of the Title 5 Regulations adopted to implement the statutes of the master plan.

Section 80046(b)

Purpose: To specify that individuals who have previously been assigned to teach adapted physical education but do not hold either of the authorizing credentials may continue to be employed in such capacity if they are enrolled in a Commission-approved program leading to the Adapted Physical Education Specialist Credential.

Necessity: To clarify for all employers and all teachers of adapted physical education that individuals previously assigned without the appropriate Adapted Physical Education Credential cannot be continued in that assignment unless they are enrolled in a Commission-approved program leading to the Adapted Physical Education Specialist Credential.

Unlike the proposed regulations, the previously cited Title 5 regulations [5632(c)] allowed individuals assigned prior to September 1980 to continue to teach adapted physical education; i.e. there was no requirement that such individuals be enrolled in a Commission-approved program leading to the Adapted Physical Education Emphasis Program.

Factual Basis:

Existing law, Education Code section 56363 of the California Master Plan for Special Education, mandates the availability of designated instruction and services (DIS) as specified in the individualized education program (IEP), when such instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. One of the designated instruction and services is adapted physical education which must be available and must be taught by the appropriate designated instruction and services specialist, if the regular class teacher, or the special class teacher, or the resource specialist are not competent to provide such services.

All of the designated instruction and services, specified in Education Code Section 56363, are to be provided by specialists; i.e., people with special preparation who are credentialed or licensed. There are no provisions in Education Code section 56363 that allow individuals without such special preparation and certification to provide designated instruction services. Further, the Title 5 Regulations adopted by the State Board of Education stipulate that individuals providing adapted physical education designated instruction and services be qualified.

The Commission, in 1979, brought together a group of experts in adapted physical education to propose scope and content for the academic preparation of individuals earning the Adapted Physical Education Emphasis Credential (attached). This scope and content has been the basis for the review and approval of programs for the Adapted Physical Education Emphasis Credential in 21 colleges/universities. The completion of one of these programs has become, through practice, the Commission's determination of "qualified to teach adapted physical education".

Individuals assigned to teach adapted physical education place themselves and their employing district in a potentially libelous position if they have neither completed the specialized preparation for the Adapted Physical Education Credential or enrolled in a program for the credential. It is the general rule of law that anyone who undertakes the rendering of service in the practice of a profession is required to maintain the skills and knowledge normally possessed by members of that profession in good standing in similar communities. Among the questions asked when an injury occurs are the following:

- (1) What preparation has the instructor had?
- (2) What credential/license does the instructor hold?
- (3) Was the instructor capable of recognizing when a student is adequately prepared for attempting an activity of greater skill?

Proposed section 80046(b), following a commonly practiced procedure, enables an individual previously assigned to teach a subject (in this case adapted physical education) to continue in that assignment if the individual is enrolled in a Commission-approved program leading to the (Adapted Physical Education Specialist) credential. Some such individuals have had a number of years of experience teaching adapted physical education; they can apply to one of the 21 colleges/universities with an approved program and request recognition or equivalency-credit for such experience.

Section 80046.(c)

Purpose: To clarify for all employees and all teachers of adapted physical education that individuals assigned to teach adapted physical education after July 1, 1988 shall hold the Adapted Physical Education Specialist Credential or the Adapted Physical Education Emphasis Credential.

Necessity: The time between the effective date of these regulations and July 1, 1988 will provide individuals previously assigned to teach adapted physical education ample time to complete a Commission-approved program for the Adapted Physical Education Specialist Credential, which run between 12-16 semester units.

The proposed regulations are necessary to ensure that all who teach adapted physical education after July 1, 1988 will meet minimum standards of preparation and certification, and necessary to provide a fair and equitable time period for individuals "previously assigned" to meet those minimum standards.

Factual Basis: The factual basis for subsection (c) is the same as for subsection (b).

Section 80046.1(a)

Purpose: To specify the requirements for the Adapted Physical Education Specialist Credential.

Necessity: It is necessary to specify that the prerequisite teaching credential [subsection (a)(1)] must authorize the holder to teach physical education. This was the recommendation of the Committee that developed the scope and content in 1979 and it has worked very well for the past six years.

Factual Basis: The requirements of a prerequisite teaching credential [subsection (a)(1)] and completion of a Commission-approved program [subsection (a)(2)] are consistent with Education Code Section 44265, but not duplicative.

Section 80046.1(b)

Purpose: To specify the period of validity of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential.

Necessity: To make clear that the common practice of tying the period of validity of a credential to the prerequisite credential will also be followed in the case of the two Adapted Physical Education Credentials.

Factual Basis: Education Code Section 44265 requires the holder of a specialist credential to hold, as a prerequisite, a teaching credential. In the case of the Adapted Physical Education Specialist Credential, as with all other specialist credentials, the specialist credential is valid only if the prerequisite credential is also valid.

Section 80046.1(c)

Purpose: To specify the authorization of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential.

Necessity: To clarify the population of individuals who are to be provided services by holders of one of the Adapted Physical Education Credentials.

Factual Basis: The authorization of the two Adapted Physical Education Credentials is consistent with the mandates of Education Code Section 56363, which requires the DES to be provided by a specialist, and consistent with the State Board of Education Title 5 Regulations implementing Education Code Section 56363(b)(5).

Please feel free to duplicate and distribute the attached proposed regulations to anyone you believe might be interested in responding. If you wish to make a presentation regarding the above to the Commission, please bring thirty copies of your material for distribution to the Commissioners and staff. If you provide this statement to the Commission office by June 3, 1985, sufficient copies of the material

will be duplicated and distributed for Commission and staff use. We would also appreciate a call to the Commission office if you plan to make a presentation in order to schedule sufficient time on the agenda for people who wish to address the Commission. If you do not want to make a presentation or submit a statement regarding this proposed regulation, you can reply on the response form found on the last page.

PROPOSED TITLE 5 REGULATIONS

80046. Requirements for Teaching Adapted Physical Education

- (a) Initial assignment to teach Adapted Physical Education shall require the Adapted Physical Education Specialist credential as specified in these regulations, or the Adapted Physical Education Emphasis Credential, as issued under prior regulations;
- (b) Individuals who have previously been assigned to teach Adapted Physical Education and who do not hold one of the above cited documents may continue to be employed in such capacity with the condition that they are enrolled in a Commission-approved program leading to the Adapted Physical Education Specialist Credential;
- (c) On and after July 1, 1988, all individuals assigned to teach Adapted Physical Education shall hold the Adapted Physical Education Specialist Credential or the Adapted Physical Education Emphasis Credential.

NOTE: Authority Cited: Sections 44225 and 44265,
Education Code.

Reference: Sections 56363(b)(5) and 56100(f),
Education Code.

80046.1. Requirements For and Authorization Of the Adapted Physical Education Specialist Credential.

- (a) The requirements for the Adapted Physical Education Specialist Credential shall include both of the following:
 - (1) A California teaching credential that is based on a baccalaureate degree, and a program of professional preparation including student teaching, and which authorizes the teaching of physical education; and
 - (2) Completion of a Commission-approved program for the Adapted Physical Education Specialist Credential.

(b) Period of Validity

The period of validity of the Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential shall be determined by the expiration date of the prerequisite teaching credential, but may not exceed five years;

(c) Authorization.

The Adapted Physical Education Specialist Credential and the Adapted Physical Education Emphasis Credential authorize the holder to provide instruction and services to individuals with exceptional needs who require developmental or corrective services and who are precluded from participation in the activities of the general physical education program, or a specially designed physical education program in a special class.

NOTE: Authority Cited: Sections 44225 and 44265,
Education Code

Reference: Sections 56363(b)(5) and 56100(f),
Education Code.

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1020 O STREET
SACRAMENTO, CALIFORNIA 95814

OFFICE OF THE EXECUTIVE SECRETARY

Section(s) 80046 and 80046.1RESPONSE TO ATTACHED TITLE 5 REGULATIONS

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 Regulations which are coming up for Public Hearing, please return this response to the Commission Office at the above address by June 3, 1985 in order that the material can be presented at the June 6, 1985 Commission meeting.

1. ☐ Yes, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
2. ☐ No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
3. ☐ Personal opinion of the undersigned only.
☐ Organizational opinion. (Please specify) _____
4. ☐ I shall be at the Public Hearing, place my name on the list for making a presentation to the Commission.
☐ No, I will not make a presentation to the Commission at the Public Hearing.

(Print or type name) Date _____

Title _____

Representing: _____
(Circle One: School District, College, University, Professional Organization, Private Citizen, Other)